



Staff Report

CITY COUNCIL MEETING DATE: April 28, 2025

TYPE OF AGENDA ITEM: Action Item

TO: Mayor and City Council
CC: City Manager, City Clerk, Staff and Attorney
FROM: Stephen McCosker, Police Chief
DATE: 4/24/2025
SUBJECT: Ordinance 1998 - Traffic Safety Cameras - Novoa Global

BACKGROUND:

Excessive speeding in school zones near Crestview's public schools has raised safety concerns. Recent changes in Florida law now permit municipalities to install and operate Speed Detection Systems in school zones identified as having heightened safety risks.

DISCUSSION:

Traffic data was analyzed near four local schools: Davidson Middle School, Crestview High School, Northwood Elementary, and Riverside Elementary. The analysis revealed recurring speeding violations during designated school hours, posing a safety risk to students and pedestrians. Under the authority granted by Chapter 2023-174, Laws of Florida, this ordinance empowers the Police Department to partner with a qualified vendor to install and operate automated speed detection systems in these school zones.

A 30-day public awareness campaign, including signage and community outreach, will precede full enforcement. Once operational, the system will capture speed infractions, issue Notices of Violation to vehicle owners, and allow for administrative hearings before a Code Enforcement Special Magistrate. Fines and procedural rules will follow state statute requirements.

The program is designed to be flexible: the City may adjust enforcement hours or add additional school zones by amendment, based on future traffic studies or community feedback.

GOALS & OBJECTIVES

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

Foundational- these are the areas of focus that make up the necessary foundation of a successful local government.

Financial Sustainability- Achieve long term financial sustainability

Organizational Capacity, Effectiveness & Efficiency- To efficiently & effectively provide the highest quality of public services

Quality of Life- these areas focus on the overall experience when provided by the city.

Community Character- Promote desirable growth with a hometown atmosphere

Safety- Ensure the continuous safety of citizens and visitors

Mobility- Provide safe, efficient and accessible means for mobility

FINANCIAL IMPACT

There are no upfront costs for equipment or installation. The traffic safety camera program is violator-funded.

RECOMMENDED ACTION

Staff requests a motion to approve Ordinance 1998 on 1st Reading and move to 2nd Reading for final adoption.

Attachments

None

ORDINANCE: 1998

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA TO BE CALLED "THE CITY OF CRESTVIEW SCHOOL ZONE SPEED ENFORCEMENT ORDINANCE"; AMENDING CITY OF CRESTVIEW CODE OF ORDINANCES, CHAPTER 86, ARTICLE IV - SCHOOL ZONE SPEED ENFORCEMENT; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE CITY; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS; PROVIDING FOR DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS; PROVIDING FOR ANNUAL REPORTING REQUIREMENTS; PROVIDING FOR THE REMITTANCE OF COLLECTED FINES AND COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII of the Constitution of the State of Florida and chapters 163 and 166, Florida Statutes, the City of Crestview enjoys all home rule authority, police power, land development and zoning authority, and governmental and proprietary powers necessary to conduct municipal government and perform municipal functions; and

WHEREAS, the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, the City Council in good faith determines that this Ordinance is in the best interest of the City and its residents and promotes the health, safety, and welfare of the public; and

WHEREAS, on April 28, 2023, the Florida Legislature passed CS/CS/HB 657 ("HB 657") authorizing counties to enforce the applicable speed limit on a roadway properly maintained as a school zone through the use of a speed detection system; and

WHEREAS, on May 31, 2023, Governor Ron DeSantis signed HB 657 into law, which was subsequently as codified in Chapter 2023-174, Laws of Florida, taking effect on July 1, 2023;

WHEREAS, HB 657 authorizes a municipality to place or install, or contract with a vendor to place or install, speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, HB 657 provides that a municipality may issue notices of violation and may authorize a law enforcement officer or traffic infraction enforcement officer to issue uniform traffic citations for violations of F.S. 316.1895 and F.S. 316.183, that are captured by speed detection systems during specified time periods and

further provides for notice to the registered owner of the subject vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties; and

WHEREAS, HB 657 requires municipalities that elect to operate a school speed zone detection program to implement a public awareness campaign at least 30 days before commencing with the enforcement of violations and to annually report information about the program to both the public and the Florida Department of Highway Safety and Motor Vehicles; and

WHEREAS, HB 657 restricts the location and use of speed detection systems to school zones that the municipality determines constitute a heightened safety risk warranting additional enforcement measures based on data or other evidence presented at a public hearing; and

WHEREAS, the City of Crestview wishes to deter drivers from speeding through school zones and provide a supplemental means for the enforcement of unlawful speed violations by enacting an ordinance to implement a school zone speed enforcement program; and

WHEREAS, the City of Crestview finds that the Crestview Police Department is best positioned to determine the appropriate speed detection system vendor and therefore desires for the Crestview Police Department to procure such a vendor and assist with the City's school zone speed enforcement program in cooperation with the relevant City staff, and in conformance with all requirement set forth in HB 657; and

WHEREAS, the Crestview Police Department has collected and provided data to the City demonstrating that motor vehicles routinely exceed applicable school zone speed limits in excess of 11 miles per hour in certain school zones within the jurisdiction of the City, and this data being incorporated by reference and submitted to the Crestview City Clerk as backup to this Ordinance at the time of adoption; and

WHEREAS, the City of Crestview has considered the traffic data and evidence provided by the Crestview Police Department supporting the installation and operation of each proposed school speed zone detection system and has determined that each school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures; and

WHEREAS, the City of Crestview finds that motor vehicles speeding in school zones are unacceptable hazards that threaten the health, safety, and welfare of students and pedestrians in the City of Crestview, and that enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system may reduce instances of speeding in school zones, the City of Crestview wishes to implement a school zone speed detection program pursuant to the rules and regulations of HB 657 and other applicable state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AS FOLLOWS:

SECTION 1 – RECITALS. The foregoing recitals are hereby affirmed and ratified as true and correct and incorporated herein by this reference.

SECTION 2 – AUTHORITY. The City Council of the City of Crestview has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 3 – AMENDING CHAPTER 86, ARTICLE VI OF THE CODE OF ORDINANCES. Chapter 86, Article VI of the Code of Ordinances is hereby amended as follows:

Sec. 86-111. Title.

This ordinance shall be known and may be cited as the “School zone Speed Enforcement Ordinance.”

Sec. 86-112. Purpose and Intent.

The purpose and intent of this Ordinance is to protect the health, safety, and welfare of the citizens of the City of Crestview by authorizing the placement or installation and use of speed detection systems on roadways within the jurisdiction of the City of Crestview, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This Ordinance provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with Chapter 316, Florida Statutes.

Sec. 86-113. Definitions.

For purposes of this Ordinance, the following terms shall have the meanings given to them below. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

Agent: means a person or entity who is authorized by a law enforcement agency or governing body to administer the procedures contained here and (1) provides services to such law enforcement agency or governing body; (2) operates, maintains, leases, or licenses a video recording device; or (3) is authorized by such law enforcement agency or governing body to review and assemble the recorded images captured by the automatic traffic enforcement safety device for review by a peace officer.

Law Enforcement Officer: shall mean, as defined by F.S. § 943.10(1), any person who is elected appointed, or employed full time by a municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and Whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

Local Hearing Officer: means the Special Magistrate appointed by the City of Crestview, as permitted by law.

Motor Vehicle: shall mean, as defined by F.S. § 320.01, an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micro mobility devices, personal delivery devices and mobile carriers as defined in F.S. § 316.003, special mobile equipment as in defined F.S. § 316.003 vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Notice of Violation: shall mean the written notification sent to the registered owner of a vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection system and thereafter reviewed and approved by a law enforcement officer or traffic infraction enforcement officer. A notice of violation must be in the form and include the contents prescribed by F.S. § 316.1896 as it may be amended.

Owner: A person Who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter. (F.S. § 316.003(54)).

Recorded Images: means still or video images recorded by a speed detection device.

School Zone: means that portion of a street or highway established as a school zone pursuant to, and in conformance with, § F.S. § 316.1895, as it may be amended.

School Zone Speed Enforcement Program: shall mean the regulations and procedures governing the use of speed detection systems in school zones within the jurisdiction of the County, as provided for by applicable law and established by this Ordinance

School Zone Speed Infraction: shall mean a Violation of F.S. § 316.183 or § 316.1895, captured by a speed detection system within a school zone during the hours provided for by applicable law and set forth in this Ordinance.

School Zone Speed Limit: shall mean the regularly posted or reduced posted speed limit within a school zone pursuant to F.S. § 316.1895.

Speed Detection System: means a portable or fixed automated system used to detect a motor vehicle's speed using radar or lidar and to capture a photograph or Video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation. This term is synonymous with the term "Speed Detection System" in F.S. § 316.003(83), as it may be amended.

Traffic Infraction Enforcement Officer: means a person who is employed or appointed, with or without compensation, and satisfies the requirements of F.S. § 316.640(5), as it may be amended.

Uniform Traffic Citation: shall mean the citation issued to the registered owner of a vehicle for a school zone speed infraction, in the form and including the contents prescribed by F.S. § 316.1896, as it may be amended.

Sec. 86-114. Powers of Local Authorities.

1. Pursuant to F.S. § 316.008(9), the City of Crestview is authorized and hereby elects to use speed detection systems to enforce school zone speed limits within the City's jurisdiction. The City may utilize speed detection systems as a supplemental means of assisting law enforcement personnel in the enforcement of compliance with state law related to unlawful speed in school zones, in accordance with Chapter 316, Florida Statutes.

2. A school zone's compliance with F.S. § 316.1895, relating to the establishment of school speed zones, creates a rebuttable presumption that the school zone is properly maintained.

Sec. 86-115. Program Administration.

1. The Crestview Police Department, in cooperation with any necessary City staff, shall be enabled and empowered by this Ordinance to assist with the City's school zone speed enforcement program. This Ordinance shall further enable the Crestview Police Department to enter into agreements with one or more agents to place or install speed detection systems and carry out services consistent with the implementation and enforcement of the provisions of this ordinance, subject to any other applicable state law requirements, and corresponding City of Crestview resolution(s).

2. As permitted and defined by applicable law and as set forth in this Ordinance and corresponding City of Crestview resolution, the City may utilize its Code Enforcement Special Magistrate as its Local Hearing Officer, who shall have jurisdiction to conduct proceedings challenging the issuance of a notice of violation, in accordance with state law and the hearing procedures set forth by the City of Crestview resolution.

Sec. 86-116. Program Implementation Requirements.

1. *Agent Contract*. Pursuant to F.S. § 316.0776, before the City of Crestview Police Department contracts or renews a contract with a vendor to place or install a speed detection system in a school zone, the contract or contract renewal must be approved by the City of Crestview at a regular or special meeting of the Crestview City Council. The contract or contract renewal may not be heard on the consent agenda and the public must be allowed to comment pursuant to the City's public comment policies.

2. *Installation and Operation of Speed Detection Systems*. Pursuant to F.S. § 316.008, speed detection systems may be installed and operated only in the school zones designated by this Ordinance and/or subsequent amendments thereto.

3. *Signage Requirements*. The installation and operation of speed detection systems, including required signage, shall be in accordance with Chapter 316, Florida Statutes, all applicable regulations of the Florida Department of Transportation ("FDOT") and the Florida Department of Highway Safety and Motor Vehicles ("FLHSMV") and the terms of any Memorandum of Understanding or other written agreement that may be entered into between the City of Crestview and its agent(s).

4. *Public Awareness*. Pursuant to F.S. § 316.0776, before notices of violation for school zone speed infractions may be issued, a public announcement and 30-day public awareness campaign of the proposed use of speed detection systems must be conducted. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.

Sec. 86-117. Designation of School Zones.

Having considered evidence at a public hearing supporting the installation and operation of speed detection systems in certain school zones within the jurisdiction of the City, and having incorporated this evidence by reference into this Ordinance, the City of Crestview has determined that each of the following school zones where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to F.S. § 316.008, Florida Statutes. The City of Crestview may authorize the placement or installation of speed detection systems in additional school zones via amendment to this Ordinance in accordance with applicable law.

Crestview High School
1250 N Ferdon Blvd.
Crestview, FL 32536
(Speed detection devices on FL-85)

Davidson Middle School
6261 Old Bethel Rd.
Crestview, FL 32536
(Speed detection devices on Old Bethel Rd.)

Northwood Elementary School
Fourth Ave. NW
Crestview, FL 32536
(Speed detection devices on FL-85)

Shoal River Middle School/Riverside Elementary School
3200/3400 E Redstone Ave.
Crestview, FL 32539
(Speed detection devices on E Redstone Ave.)

Antioch Elementary School
4700 Whitehurst Ln.
Crestview, FL 32536
(Speed detection devices on Antioch Rd.)

Sec. 86-118. Enforcement Procedures.

1. General Powers: The Crestview Police Department, acting on behalf of the City, shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to F.S. § 316.1895, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation.

2. Review of Speed Detection System Images: A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to F.S. § 316.1896, to review the photograph or video images from the speed detection system to confirm that a school zone speed infraction has occurred before issuing a notice of violation. A notice of violation may be issued for a school zone speed infraction as follows:

(a) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.

(b) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.

(c) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.

(d) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.

3. Hearing Procedures and Appeals: Hearings to contest notices of violations shall be scheduled, noticed, and conducted by the City and/or the school zone speed enforcement program agent in accordance with F.S. § 316.0083(5) and F.S. § 316.1896, and the procedures adopted by resolution of the City of Crestview. An aggrieved party may appeal a final administrative order of the Local Hearing Officer in accordance with F.S. § 316.1896, Florida Statutes, and the procedures adopted by resolution of the City of Crestview.

4. Defenses and Penalties: The enforcement of school zone speed infractions including the issuance of notices of violation and uniform traffic citations, the processing of affidavits to assert an exception to liability, and the assessment of fines must comply with F.S. § 316.1896. A registered owner who receives a notice of violation may, within 30 days:

- (a) Pay the fine of \$100.00, as fixed by F.S. § 318.18(3)(d), as it may be amended, or
- (b) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8), as it may be amended, or
- (c) Request a hearing.

If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit or request a hearing, a uniform traffic citation must be issued to the registered owner and transmitted to the Okaloosa County Clerk of the Court for disposition by the county court.

Sec. 86-119. Collection of Evidence, Public Records, and Retention Requirements.

In accordance with F.S. § 316.1896, a speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of Speed detection components, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document school zone speed infractions and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.

Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to F.S. § 316.1896. Written notice that such records have been destroyed must be provided by December 31st of each year. All public records related to the administration of this Ordinance must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

Sec. 86-120. Annual Reporting Requirements.

The City of Crestview, with the assistance of the Crestview Police Department and/or the City of Crestview's agent, will annually report on the City's school zone speed enforcement program to the public and to the FLHSMV in accordance with F.S. § 316.0776 and F.S. § 316.1896, as they may be amended. Pursuant to F.S. § 316.0776(3)(c), the compliance or sufficiency of compliance with this section of the Ordinance may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

Sec. 86-121. Remittance of Collected Fines and Costs.

All fines and costs collected pursuant to this Ordinance and corresponding City of Crestview resolution must be remitted in accordance with F.S. § 316.1896 and F.S. § 318.18, and any other relevant state law.

SECTION 4 – SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5 – SCRIVENER'S ERRORS. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7 – REPEAL OF CONFLICTING ORDINANCES. Ordinances, or parts of ordinances or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8 – EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

Passed and adopted by the City Council of Crestview, Florida on the 12th day of May, 2025.

ATTEST:

Maryanne Girard

City Clerk

Approved by me this 12th day of May, 2025.

J. B. Whitten

Mayor